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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Hector Raul Ortiz-Tarazon, Sr.,  
10 Movant/Defendant,  
11 v.  
12 USA,  
13 Respondent/Plaintiff.  
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No. CV-16-00073-PHX-JAT  
CR-12-00877-01-PHX-JAT

**ORDER**

15 On February 3, 2016, this Court reassigned the then pending motions for  
16 sentencing reductions pursuant to the U.S.S.G. 782 Amendment to Judge Wake. (Doc.  
17 915 in CR 12-877). On the second page of that Order, there was an incorrect reference to  
18 Defendant Hector Raul Ortiz-Tarazon, Sr.'s motion to vacate under 28 U.S.C. § 2255.  
19 That motion, and corresponding case CV 16-73, were never reassigned to Judge Wake,  
20 only the motion for sentencing reduction under 782.<sup>1</sup> Accordingly, the Order at Doc. 915  
21 is amended to delete any reference to the motion to vacate.

22 Now pending in CV 16-73 is Movant's motion to vacate this Court's decision in  
23 CV 16-73. The motion to vacate is premised on Movant's belief (based on the erroneous  
24 reference to his 2255 motion in this Court's reassignment order) that the undersigned  
25 recused on his 2255 motion. As stated above, the undersigned did not recuse on that  
26 motion. Therefore, the Motion to Vacate will be denied.


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28 <sup>1</sup> The motion for sentencing reduction under 782 was ultimately withdrawn, thus  
the reassignment proved unnecessary. (Docs. 933 and 934 in CR 12-877).

1 Based on the foregoing,

2 **IT IS ORDERED** that the Order at Doc. 915 in CR 12-877 is deemed amended to  
3 delete any reference to Movant's then pending motion to vacate pursuant to 28 U.S.C. §  
4 2255.

5 **IT IS FURTHER ORDERED** that the motion to vacate at Doc. 21 in CV 16-73  
6 is denied.

7 Dated this 9th day of May, 2017.

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12 James A. Teilborg  
13 Senior United States District Judge  
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